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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS W. NOE,

Defendant.

JUDGE DAVID A. KATZ

Cr. No.

3 : 05 CR796

18 U.S.C. § 371

2 U.S.C. § 437g

2 U.S.C. § 441f

18 U.S.C. § 2

18 U.S.C. § 1001

INDICTMENT

The Grand Jury charges:

COUNT ONE: Conspiracy
(18 U.S.C. § 371)

At all times relevant to this indictment:

Background

1. President George W. Bush was a candidate in the 2004 federal election for the Presidency of the United States.
2. "Bush-Cheney '04, Inc." was the principal campaign committee of President Bush's re-election campaign, and it solicited and accepted contributions on his behalf.

COPY

3. On or about August 12, 2003, the defendant THOMAS W. NOE and his spouse each contributed \$2,000 to Bush-Cheney '04, Inc.

4. On or about October 30, 2003, Bush-Cheney '04, Inc. hosted a campaign fundraiser ("the fundraiser") at the Hyatt Regency hotel in Columbus, Ohio; the admission fee to the event was a \$2,000 contribution—the maximum individual amount—to Bush-Cheney '04, Inc.

The Federal Election Commission and Regulation of Federal Elections

5. The Federal Election Commission (FEC) was an agency of the executive branch of the government of the United States that administered and enforced the Federal Election Campaign Act (FECA).

6. Specific FECA provisions governed the making and reporting of campaign contributions, including:

- (a) The maximum individual contribution allowed by law to any federal candidate or his authorized political committees was \$2,000 per election;
- (b) It was unlawful to make contributions in the name of another person or knowingly permit one's name to be used to effect such contributions;
- (c) Bush-Cheney '04, Inc. was required to file quarterly reports with the FEC identifying each person who made a contribution during the reporting period whose contribution or contributions for that calendar year aggregated over \$200; and
- (d) The FEC was responsible for providing accurate information to the public about the amounts and sources of campaign contributions, and it used these quarterly reports to administer and enforce the FECA.

The Conspiracy and Its Objects

7. From in or about October 2003 through in or about January 2004, in the Northern District of Ohio, Western Division, and elsewhere, the defendant, THOMAS W. NOE, and others knowingly combined, conspired, confederated, and agreed together and with each other:

- (a) to commit an offense against the United States: that is, to knowingly and willfully violate the FECA by making contributions aggregating \$25,000 or more during the 2003 calendar year to Bush-Cheney '04, Inc., an authorized campaign committee of President George W. Bush, a federal candidate, in the names of other persons, in violation of 2 U.S.C. § 441f and 2 U.S.C. § 437g(d)(1)(A)(i); and
- (b) to defraud the United States by impairing, impeding, obstructing, and defeating the lawful functions and duties of the Federal Election Commission.

The Purpose of the Conspiracy

8. The purpose of the conspiracy was for defendant THOMAS W. NOE to make prohibited campaign contributions totaling \$45,400 to Bush-Cheney '04, Inc. without being detected by the FEC or the public.

The Manner and Means of the Conspiracy

9. It was a part of the conspiracy that defendant THOMAS W. NOE, in order to fulfill a written pledge to raise \$50,000 for the campaign at the fundraiser, used \$45,400 of his funds to make campaign contributions over and above the legal limits and concealed the true source of the contributions by making the contributions in the names of other individuals, known as "conduits."

10. It was a part of the conspiracy that NOE requested that each conduit contribute money to Bush-Cheney '04, Inc. in his or her own name and attend the fundraiser.

11. It was a part of the conspiracy that NOE would recruit other individuals, referred to herein as "super-conduits," who would not only act as conduits but would also recruit additional conduits and pass funds from NOE to those additional conduits.

12. It was a part of the conspiracy that before and after the fundraising event, NOE provided funds from his National City Bank account for 24 conduits and super-conduits as an advance on or reimbursement for their contributions; all but one of the conduits and super-conduits contributed the maximum permissible amount, with some adding small amounts of their own money to NOE's.

13. It was a part of the conspiracy that NOE took steps to conceal the existence, purpose, and acts done in furtherance of the conspiracy by making payments to several conduits in amounts slightly below the amount of the conduits' contributions, and by instructing several conduits that, if asked in the future about the payments, they should lie and say the payments were a loan from NOE.

Overt Acts in Furtherance of the Conspiracy

In furtherance of the conspiracy, and to effectuate the objects thereof, defendant THOMAS W. NOE and his co-conspirators committed, among other acts, the following overt acts in the Northern District of Ohio, Western Division, and elsewhere:

14. Between on or about October 22, 2003, and on or about November 3, 2003, NOE provided nine checks from his National City Bank account to the conduits listed in Table A below as an advance on or reimbursement for their contributions to Bush-Cheney '04, Inc., and the conduits deposited these checks into bank accounts they owned or controlled.

TABLE A

| CONDUIT | DATE OF CHECK FROM NOE | AMOUNT OF CHECK FROM NOE | DATE OF DONATION | AMOUNT OF DONATION |
|----------------|---------------------------------------|---|-----------------------------|-------------------------------|
| 1 | 10/22/03 | \$1,750 | 10/22/03 | \$2,000 |
| 2 | 10/23/03 | \$1,950 | 10/23/03 | \$2,000 |
| 3,4 | 10/23/03 | \$4,000 | 10/24/03 | \$4,000 |
| 5 | 10/23/03 | \$1,950 | 10/24/03 | \$2,000 |
| 6, 7 | 10/23/03 | \$3,900 | 10/24/03 | \$4,000 |
| 8, 9 | 10/23/03 | \$3,750 | 10/31/03 | \$3,900 |
| 10 | 10/24/03 | \$2,000 | 10/24/03 | \$2,000 |
| 11, 12 | 10/27/03 | \$3,900 | 10/26/03 | \$4,000 |
| 13 | 10/30/03 | \$1,900 | 11/3/03 | \$2,000 |

15. On or about the dates listed in Table B below, NOE provided two checks to two super-conduits (#14 and #17) who accepted the money and contributed a portion of the funds to Bush-Cheney '04, Inc. in their own names, and also acted as super-conduits by writing checks themselves to five additional conduits listed in Table B as an advance on or reimbursement for contributions those conduits made to Bush-Cheney, '04, Inc., and the conduits and super-conduits deposited these checks into accounts they owned or controlled.

TABLE B

| CONDUIT or SUPER- CONDUIT | DATE OF CHECK | AMOUNT OF CHECK | DATE OF DONATION | AMOUNT OF DONATION |
|--|---------------------------|----------------------------|-----------------------------|-------------------------------|
| 14 (super- conduit) | 10/23/03 (from NOE) | \$6,000 | 11/3/03 | \$2,000 |
| 15 | 10/23/03 (from #14) | \$2,000 | 10/23/03 | \$2,000 |
| 16 | 10/24/03 (from #14) | \$2,000 | 10/23/03 | \$2,000 |
| 17 (super- conduit), 18 | 10/23/03 (from NOE) | \$14,300 | 10/24/03 | \$4,000 |
| 19, 20 | 11/5/03 (from #17) | \$3,750 | 10/24/03 | \$4,000 |
| 21, 22 | 10/27/03 (from #17) | \$3,500 | 10/14/03 | \$4,000 |
| 23, 24 | 10/27/03 (from #17) | \$3,900 | 10/31/03 | \$4,000 |

16. Between on or about October 22, 2003 and on or about November 3, 2003, NOE caused each of the conduits to contribute money in their own names to Bush-Cheney '04, Inc.; the contributions, with one exception, were made in increments of either \$2,000 (if attending alone) or \$4,000 (if attending with a spouse).

17. From on or about October 22, 2003 until on or about October 30, 2003, NOE caused conduits and super-conduits to fill out donor cards and other contributor forms for the fundraiser stating that they were making the contributions themselves with their personal funds when, in fact, they used NOE's funds to make contributions.

18. On or about January 29, 2004, NOE and the conspirators caused Bush-Cheney, '04, Inc. to file with the FEC a report for the fourth quarter of 2003 that, unknown to Bush-Cheney, '04, Inc., incorrectly identified the 24 conduits and super-conduits as the sources of the \$45,400 in contributions to Bush-Cheney, '04, Inc.

19. On or about October 30, 2003, NOE and all but one of the conduits and super-conduits attended the Bush-Cheney '04, Inc. fundraiser.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO: Conduit Contribution Violations
(2 U.S.C. § 441f, 2 U.S.C. § 437g(d)(1)(A)(i))

20. All allegations made in paragraphs one through six and nine through 19 are re-alleged and incorporated herein.

21. From in or about October 22, 2003 until in or about November 3, 2003, the defendant THOMAS W. NOE knowingly and willfully violated the FECA by making contributions in the names of others that aggregated \$25,000 or more during the 2003 calendar year, that is, NOE knowingly and willfully caused other persons to contribute to Bush-Cheney '04, Inc. and advanced to those persons or reimbursed those persons a total of \$45,400 for their contributions.

All in violation of Title 2, United States Code, Sections 441f and 437g(d)(1)(A)(i).

COUNT THREE: FALSE STATEMENT
(18 U.S.C. § 2(b), 18 U.S.C. § 1001)

22. All allegations made in paragraphs one through six and nine through 19 are re-alleged and incorporated herein.

23. From on or about October 23, 2003 until on or about January 29, 2004, defendant THOMAS W. NOE, in a matter within the jurisdiction of the executive branch of the government of the United

States, knowingly and wilfully caused to be made a materially false, fictitious, and fraudulent statement and representation, in that he caused the responsible official of Bush-Cheney '04, Inc. to file with the FEC a quarterly report that falsely listed the conduits and super-conduits as contributors to the committee, when in fact, as NOE knew, he was the actual contributor of \$45,400 of those funds.

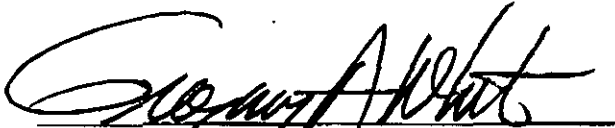
All in violation of Title 18, United States Code, Sections 2(b) and 1001.

A True Bill.

Foreperson

UNITED STATES v. THOMAS W. NOE

SIGNATURE PAGE FOR THE UNITED STATES ATTORNEY



GREGORY A WHITE
United States Attorney

UNITED STATES v. THOMAS W. NOE

SIGNATURE LINE FOR CHIEF, PUBLIC INTEGRITY SECTION

A handwritten signature in black ink, appearing to read 'Noel L. Hillman', is written over a horizontal line.

NOEL L. HILLMAN
Chief
Public Integrity Section
Criminal Division
United States Department of Justice